

IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - E/S of Charles Street opposite Malvern Avenue (6701 North Charles Street) 9th Election District 4th Councilmanic District

Greater Baltimore Medical Ctr. Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-174-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve a Class B Group Child Care Center to be located in a separate building on a hospital campus as an accessory use permitted by right in accordance with Section 424.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and additionally, a special exception for a Class B Group Child Care Center on the subject property, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Robert P. Kowal, its President, appeared, testified, and was represented by John B. Howard, Esquire and Robert A. Hoffman, Esquire. Also appearing on behalf of the Petition were Michael Bromley with Maryland Health Corporation, and Marcia Sprinkle with the Maryland Committee for Children, Contract Lessees of the subject property, George E. Gavrellis with Daft-McCune-Walker, Inc. and Glenn Cook with The Traffic Group, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 6701 North Charles Street, is the site of the existing Greater Baltimore Medical Center (GBMC). Testimony proffered by Petitioner's counsel indicated that Petitioner proposes constructing a one-story building across from the main hospital facility for use as a Class B Group Child Care Center. The Center will serve approximately 125 children, from infancy thru school-

age, most of whom will be children of GBMC employees, hospital staff and doctors associated with the hospital. However, it is not mandatory that clients of the center be hospital affiliated. A survey of GBMC staff revealed that approximately 560 employees are desirous of having on-site day care services.

Testimony presented indicated the site as depicted in Petitioner's Exhibit 1 is not physically connected to any of the existing hospital buildings but will be located on the hospital campus. The location chosen was selected due to its close proximity to the main hospital buildings, yet it will not interfere with any vital services provided by GBMC. The proposed building will not replace any existing buildings and will not displace any of the existing parking areas. Further testimony indicated there will be no entrances to the facility from Charles Street. Petitioners' witnesses all testified to the requirements as set forth in Section 502.1 of the B.C.Z.R. and indicated that all storm water management and landscaping requirements will be met.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the par-

ticular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1991).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the Petition for Special Hearing should be denied and the Petition for Special Exception should be granted with certain restrictions as more fully described below. While Petitioner's witnesses argued that the proposed Class B Group Child Care Center is within the hospital and is therefore permitted as a matter of right, it is clear from the testimony and evidence presented that the proposed building is separate from the hospital complex and is a separate operation which does not comply with the requirements as set forth in Section 424.2. Therefore, the relief requested in the Petition for Special Hearing is denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be denied and the Petition for Special Exception should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of December, 1988 that the Petition for Special Hearing to approve a Class B Group Child Care Center to be located in a separate building on a hospital campus as an accessory use permitted by

right in accordance with Section 424.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Special Exception for a Class B Group Child Care Center on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) All lighting for the proposed building shall be erected in such a manner that it does not disperse beyond Charles Street and onto nearby residential properties.

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
887-3353

December 19, 1988

John B. Howard, Esquire
210 Allegheny Avenue
Townson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
E/S Charles Street opposite Malvern Avenue
(6701 North Charles Street)
9th Election District - 4th Councilmanic District
Greater Baltimore Medical Center, Inc. - Petitioner
Case No. 89-174-SPHX

Dear Mr. Howard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been Denied and the Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel
File

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-174-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.1 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a Class B group child care center, to be located in a separate building on a hospital campus, as a use permitted by right under Section 424.2, as in the nature of an accessory use.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) Greater Baltimore Medical Center, Inc.
(Type or Print Name)
By: _____ Signature Robert P. Kowal, President
(Type or Print Name)
Address _____
(Type or Print Name)
City and State _____
Signature _____
City and State _____
Attorney for Petitioner: _____
John B. Howard, Esquire 6701 N. Charles Street 828-2000
(Type or Print Name) Address Phone No.
Townson, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name 210 Allegheny Avenue
Townson, Maryland 21204 823-4111
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Townson, Baltimore County, on the 10th day of January, 1989, at 9 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Z.C.O.-No. 1

(over)

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-174-SPHX

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Class B group child care center.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) Greater Baltimore Medical Center, Inc.
(Type or Print Name)
By: _____ Signature Robert P. Kowal, President
(Type or Print Name)
Address _____
(Type or Print Name)
City and State _____
Signature _____
City and State _____
Attorney for Petitioner: _____
John B. Howard, Esquire 6701 N. Charles Street 828-2000
(Type or Print Name) Address Phone No.
Townson, Maryland 21204
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
John B. Howard, Esquire
Name 210 Allegheny Avenue
Townson, Maryland 21204 823-4111
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Townson, Baltimore County, on the 10th day of January, 1989, at 9 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

Z.C.O.-No. 1

(over)

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS

DESCRIPTION

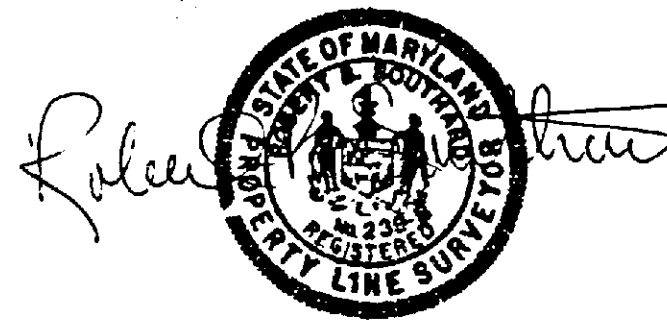
Description to Accompany Zoning Petition
Ninth Election District
Baltimore County, Maryland

Beginning for the same on the east side of Charles Street at the end of the second of the two following courses and distances measured from the point formed by the intersection of the center line of Charles Street with the center line of Malvern Avenue (1) easterly 50' more or less, thence (2) southerly 32' more or less to the place of beginning, thence leaving said place of beginning and running and binding on the east side of Charles Street the seven following courses and distances: (1) northeasterly, by a curve to the right with the radius of 1095.92 feet, the arc distance of 438.43', (2) S 63° 21' 54" E 10', (3) N 28° 25' 00" E 67.88', (4) N 43° 30' 30" E 56.53', (5) N 56° 41' 50" E 141.32', (6) N 58° 28' 05" E 138.17', (7) N 62° 12' 02" E 21.50', thence leaving said east side of Charles Street and running the twelve following courses and distances, (8) S 37° 46' 55" E 1085.85', (9) S 07° 05' 00" W 180.00', (10) S 02° 40' 53" E 115.22', (11) S 45° 06' 34" E 203.55', (12) S 59° 57' 00" E 310.00', (13) S 06° 44' 36" E 198.66', (14) S 53° 53' 59" W 155.00', (15) S 80° 00' 00" W 165.00', (16) S 24° 25' 09" W 147.50', (17) S 06° 37' 31" E 297.00', (18) S 40° 40' 00" E 240.00', (19) S 52° 00' 00" W 433.40', to intersect the east side of Charles Street, thence running and binding on said east side the following twenty-eight courses and distances: (20) northwesterly, by a curve to the left side with the radius of

653.11', the arc distance of 148.53', (21) N 44° 54' 10" E 35.00', (22) N 47° 28' 20" W 57.03', (23) S 40° 09' 10" W 35.00', (24) northwesterly, by a curve to the left with the radius of 653.11', the arc distance of 162.44', (25) N 25° 54' 10" E 30.00', (26) N 66° 28' 20" W 56.61', (27) S 21° 09' 10" W 30.00', (28) northwesterly, by a curve to the left with the radius of 653.11', the arc distance of 2.87', (29) N 69° 05' 56" W 47.35', (30) N 20° 54' 04" E 30.00', (31) N 69° 05' 56" W 50.00', (32) S 20° 54' 04" W 30.00', (33) N 69° 05' 56" W 355.71', (34) northwesterly, by a curve to the right with the radius of 553.11', the arc distance of 155.26', (35) N 36° 59' 00" E 25.00', (36) N 50° 38' 30" W 43.77', (37) S 41° 44' 00" W 25.00', (38) northwesterly, by a curve to the right with the radius of 553.11', the arc distance of 206.35', (39) N 63° 06' 30" E 35.00', (40) northwesterly, by a curve to the right with the radius of 518.11', the arc distance of 128.86', (41) N 69° 03' 00" W 41.42', (42) northwesterly, by a curve to the right with the radius of 553.11', the arc distance of 134.96', (43) N 03° 42' 49" E 752.84', (44) S 86° 17' 11" E 40.00', (45) N 03° 42' 49" E 50.00', (46) N 54° 17' 11" E 47.17', (47) N 03° 42' 49" E 166.57', to place of beginning.

Containing 57.933 acres of land, more or less.
THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY.

Our Job Number:
85013Z
September 29, 1988



RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
PETITION FOR SPECIAL EXCEPTION (ALTERNATE) : OF BALTIMORE COUNTY
E/S Charles St., opposite Malvern Ave. (6701 N. Charles St.), 9th Election District; 4th Councilmanic District
GREATER BALTIMORE MEDICAL CENTER, INC., Petitioner : Case No. 89-174-SPHX

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
434-2188

I HEREBY CERTIFY that on this 25th day of October, 1988, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th Date of Posting: October 22, 1988
Posted for: Special Hearing, Alternate Special Exception
Petitioner: Greater Baltimore Medical Center
Location of property: E/S Charles Street, opposite Malvern Avenue
(6701 N. Charles Street)
Location of Sign: East side of Charles St. opposite Malvern Avenue
at entrance to G.B.M.C.
Remarks:
Posted by: S. J. Roata Date of return: October 22, 1988
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 24, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 30, 1988.

THE JEFFERSONIAN,

S. Zabe Orlov
Publisher

price 45.00/aff
PO 05212
Reg M20367
Case # 89-174-SPHX

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Hearing and Special Exception
Case Number: 89-174-SPHX
E/S Charles Street, opp. Malvern Avenue
(6701 N. Charles Street)
9th Election District
4th Councilmanic District
Petitioner: Greater Baltimore Medical Center
Hearing Date: Thursday, Nov. 10, 1988 at 9:00 a.m.
Special Hearing: A Class B group child care center, to be located in a separate building on a hospital campus, as a use permitted by right under §624.2, as in the nature of an accessory use.
ALTERNATE Special Exception: A Class B group child care center.
IF PHASE II OF SHOW EMBLEM PLAN IS IN EFFECT ON THIS DATE, CASE MAY BE RESCHEDULED. CALL 434-3391 TO CONFIRM DATE.
In the event that the Petitioner is granted a building permit, the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or before or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
10095 Oct. 20.

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 28, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on October 26, 1988.

THE JEFFERSONIAN,

S. Zabe Orlov
Publisher

PO 05212
reg M20367
case 89-174-SPHX
price \$64.0377

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Hearing and Special Exception
Case Number: 89-174-SPHX
E/S Charles Street, opp. Malvern Avenue
(6701 N. Charles Street)
9th Election District
4th Councilmanic District
Petitioner: Greater Baltimore Medical Center
Hearing Date: Thursday, Nov. 10, 1988 at 9:00 a.m.
Special Hearing: A Class B group child care center, to be located in a separate building on a hospital campus, as a use permitted by right under §624.2, as in the nature of an accessory use.
ALTERNATE Special Exception: A Class B group child care center.
IF PHASE II OF SHOW EMBLEM PLAN IS IN EFFECT ON THIS DATE, CASE MAY BE RESCHEDULED. CALL 434-3391 TO CONFIRM DATE.
In the event that the Petitioner is granted a building permit, the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or before or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
10097 Oct. 28.

89-174-SPHX

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 24th day of September, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
Received by: *James F. Dyer*
Chairman, Zoning Plans Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 10/29/88

Greater Baltimore Medical Center, Inc.
6701 N. Charles Street
Towson, Maryland 21204
ATTN: ROBERT P. KOWALL, PRESIDENT

Re: Petitions for Special Hearing and Special Exception
CASE NUMBER: 89-174-SPHX
E/S Charles Street, opp. Malvern Avenue
(6701 N. Charles Street)
9th Election District - 4th Councilmanic
Petitioner(s): Greater Baltimore Medical Center
HEARING: THURSDAY, NOVEMBER 10, 1988 at 9:00 a.m.*

Gentlemen:

Please be advised that \$139.03 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 (15) minutes before

BALTIMORE COUNTY, MARYLAND		No. 059002
OFFICE OF FINANCE-REVENUE DIVISION		
MISCELLANEOUS CASH RECEIPT		
DATE: <u>11/9/88</u>	ACCOUNT: <u>R-01-815-000</u>	
AMOUNT: <u>\$ 139.03</u>		
RECEIVED FROM: <u>ABMC</u>		
FOR: <u>Posting and Advertising 11/10/88 Hearing</u>		
B 1177*****13513:8 89-174-SPHX		
VALIDATION OR SIGNATURE OF CASHIER		

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 28, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

John B. Howard, Esquire
Cook, Howard, Downes & Tracy
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No. 138 - Case No. 89-174-SPHX
Petitioner: Greater Baltimore Medical Center
Petition for Special Hearing and Special Exception

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. Plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James F. Dyer
JAMES F. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

cc: Daft-McCune-Walker Inc.
200 E. Pennsylvania Avenue
Towson, Maryland 21204

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

October 4, 1988

NOTICE OF HEARING

Dennis P. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitions for Special Hearing and Special Exception
CASE NUMBER: 89-174-SPHX
E/S Charles Street, opp. Malvern Avenue
(6701 N. Charles Street)
9th Election District - 4th Councilmanic
Petitioner(s): Greater Baltimore Medical Center
HEARING: THURSDAY, NOVEMBER 10, 1988 at 9:00 a.m.*

Special Hearing: A Class B group child care center, to be located in a separate building on a hospital campus, as a use permitted by right under §624.2, as in the nature of an accessory use.
ALTERNATE Special Exceptions: A Class B group child care center.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period if good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*NOTE:

IF PHASE II OF THE SHOW EMBLEM PLAN IS IN EFFECT IN BALTIMORE COUNTY BY 8:30 a.m. ON THE DATE OF THE ABOVE HEARING, SUCH HEARING WILL BE POSTPONED AND TENTATIVELY RESCHEDULED FOR THURSDAY, DECEMBER 22, 1988. PLEASE TELEPHONE DIXIEY CLERK AT 494-3391 TO CONFIRM DATE.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
cc: Robert P. Kowall
John B. Howard, Esq.
File

OBER, KALER, GRIMES & SHRIVER

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
1600 MARYLAND NATIONAL BANK BUILDING
10 LIGHT STREET
BALTIMORE, MARYLAND 21202
(301) 688-1100
TELECOM-EX (301) 647-0888
CABLE: "OBER" "WTRNS"
TELEX: 8-7774
November 3, 1988
OFFICES IN WASHINGTON, D. C. NEW YORK NEW YORK

GUY W. WARFIELD
DIRECT DIAL NUMBER
(301) 347-7343
VIA UPS

Robert A. Hoffman, Esq.
Cook, Howard, Downes & Tracey
210 Allegheny Avenue
Towson, Maryland 21204

Re: GBMC-Group Child Care Center

Dear Rob:

I have received the plat which accompanied the Petition for Special Hearing and Alternate Petition for Special Exception for the GBMC Group Child Care Center, and reviewed it and the Group Child Care Center proposal with other members of the Murray Hill Improvement Association Board. The Association would like to extend its appreciation to GBMC for being kept abreast of developments on GBMC's property.

The Association also would like to go on record as not objecting to the Petition or Alternate Petition. This position assumes that final plans for the Group Child Care Center will reflect a design which is compatible with the area as well as landscaping which will appropriately shield the Center from Charles Street.

We look forward to seeing the final plans when they are available and believe that a meeting to review the final plan as well as the steps being taken with respect to the parking lot situation would be advisable. I will be calling to try to schedule a meeting with you and Mr. Fay of GBMC.

Finally, please be advised that you are authorized to make this letter part of the record in tomorrow's proceeding on the Group Child Care Center proposal.

Very truly yours,

Guy W. Warfield
Guy W. Warfield

GWN/pml
cc: Ms. Louise Schultz



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 14, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

RE: Baltimore County
G.B.M.C.
E/S Charles Street
MD 139
opposite Malvern Avenue
Item #138
Zoning Meeting 10/11/88

Dear Mr. Haines:

After reviewing the submittal of a special exception for Class B group child care center, we find the plan acceptable.

If you have any questions, call Larry Brocato of this office (333-1350).

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr.
Chief Bureau of Engineering
Access Permits

LB/es

cc: Daft, McCune and Walker Inc.
J. Ogle

RECEIVED
OCT 18 1988
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

10/13/88
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item #138, Zoning Advisory Committee Meeting of October 11, 1988

Property Owner: Greater Baltimore Medical Center, Inc.

Location: E/S Charles St. opposite Malvern Ave. District 9

Water Supply: metro Sewage Disposal: metro

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____, must be _____, conducted.
 - () The results are valid until _____.
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - () shall be valid until _____.
 - () is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

Karen M. Therry

BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

TO: Zoning Commissioner

Date: November 9, 1988

Pat Keller, Deputy Director
Office of Planning and Zoning

G.B.M.C.

SUBJECT: Zoning Petition No. 89-174-SPHX

The applicant is requesting a special hearing to establish a group child center in a separate building on a hospital campus. In reference to this request, staff provides the following information:

* A CRG review for this project will be required.

* The staff is generally supportive of the applicant's request and feels that a child care center for this use would be an excellent asset to G.B.M.C. The location of the proposed use poses major problems based upon the following:

- the building will be situated in close proximity to Charles Street. Charles Street maintains a high aesthetic quality due to significant setbacks, wooded buffers, and minimal intrusion of structures on the road. This quality should not be compromised in any manner.
- the proposed location is 80% to 90% wooded and has slopes in the range of 25% - 45%. The area of disturbance and environmental impact appears to be greater in this area than other locations on this site.
- the proposed use will sit at the top of a slope that drops towards Charles Street and therefore, will be situated in a prominent and visible location.

Based upon the analysis conducted and information provided, staff would strongly urge that alternative locations for the proposed use be explored and demonstrated as infeasible to the Office of Planning and Zoning prior to the granting of this request. The granting of the request will effectively lock the CRG to the specific location as shown on the applicant's site plan, which may not be appropriate. In addition, staff has concerns regarding:

- the actual building size;
- the building's design;
- the area of disturbance;
- amenities and protective measures for the children;
- the location of parking and pick-up and drop-off areas;
- landscaping and buffering; and
- relationship of use to the site.

PK/sf

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME
George E. Gaskins

Marica Sprinkle

Gleason Cox

MICHAEL Bromberg

John P. Howard
Rob Hoffman

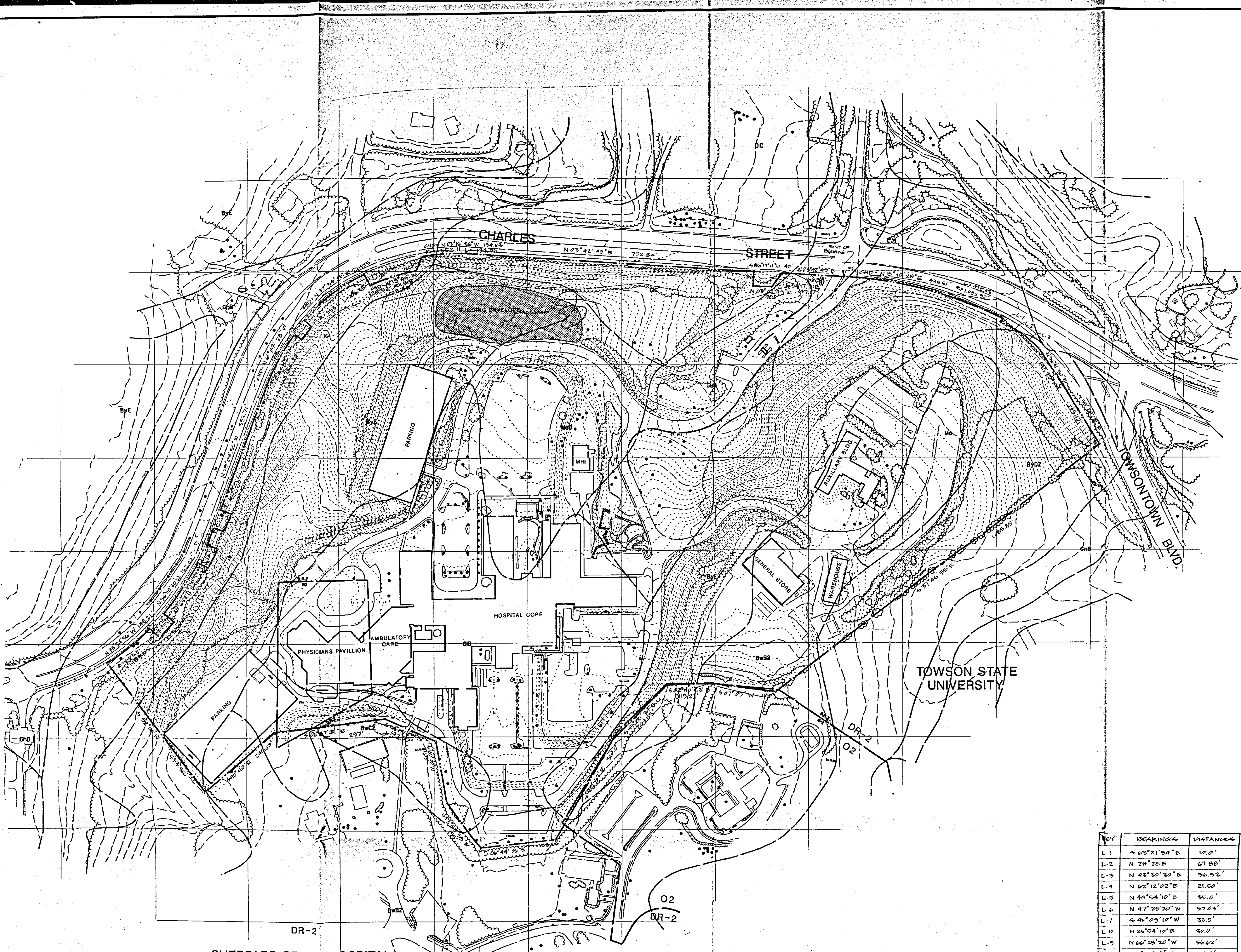
ADDRESS

Daft, McCune, Walker
200 E. Pennsylvania Ave.
Maryland Committee for Children
608 Water Street, Baeto, MD 21202

The Taft's Center Inc.
414 E. Jones Rd. Towson MD 21204

MARYLAND HEALTH CARE

210 Allegheny Ave 21204
11



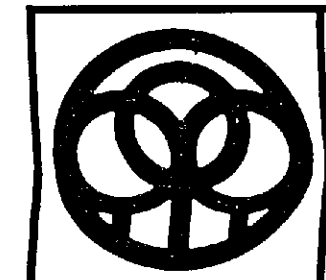
General Notes

1. All on-site roads and drives are private. Widths are as shown. All are surfaced with appropriate materials to accommodate traffic and drainage.
2. The proposed child care center will be a maximum of 7,500 square feet and will not exceed one story.
3. Offstreet Parking:
GBMC - Existing
Hospital care 407 beds
Required parking @ 1/4 beds 102 spaces
MRI 2,756 SF
Required parking @ 1/300 SF 10 spaces
Physicians pavilion 104,000 SF
Required parking @ 1/300 S.F. 347 spaces
Total parking spaces required 459 spaces
Total spaces provided 1,222 spaces
group child care center
Estimated employees 12 employees
Required parking @ 1/employee 12 spaces
Twelve spaces will be provided adjacent to the child care center.
4. All parking spaces are screened in accordance with the applicable provisions of the Landscape manual adopted pursuant to Section 22-105 of the Baltimore County Code.
5. All parking spaces have a durable and dustless surface which is properly drained so as not to create any undesirable conditions.
6. All new lighting used to illuminate new parking shall be arranged to reflect light away from residential lots and public streets. Light standards shall be protected from vehicular traffic by curbing or landscaping.
7. All on-site streams are as shown.
8. GBMC is served by existing water mains and sewer lines which are private. Fire hydrants and other fire suppression facilities are part of the present on-site infrastructure. The GBMC system will be extended to provide requisite service to the group child care center in accordance with applicable standards and requirements. They are not shown for purposes of clarity.
9. The proposed child care center is based on preliminary concepts and not on final architectural plans. Building footprints and precise location details may be modified in accordance with applicable zoning regulation requirements.
10. Zoning History:
1965 - Use Permit Issued
66-160A Petition for Variance to permit a directional sign of 48 square feet instead of the required 25 square foot sign. Granted January 5, 1966.
86-45 SPHA Special Hearing for a medical arts facility as an accessory use and structure to the principal use of a hospital and variance to permit a maximum width of building elevations of 931 feet and 325 feet instead of the allowed 300 feet, a rear yard setback of 10 feet instead of the required 40 feet, a side yard setback of 5 feet instead of the required 30 feet, a front yard setback of 30 feet instead of the required 60 feet, and a distance between buildings of 30 feet instead of the required 40 feet and/or 75 feet. Granted August 1, 1985.
87-488 SPH Special Hearing to approve an amendment to the Order in Case No. 86-45 SPHA to permit the relocation from the main hospital building to the existing pharmacy and optical facility to the medical arts facility. Granted June 23, 1987 with restriction:
1. The pharmacy and optical facilities shall be adjunct and accessory to the hospital and together shall occupy no more than 2,000 square feet on the first floor of the medical arts facility.
2. No outside off-campus advertising of the pharmacy and optical facility shall be permitted.

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DAFT-McCUNE-WALKER, INC.

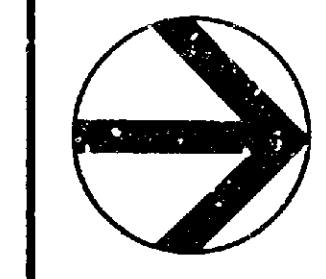


DAFT · McCUNE · WALKER INC.
LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS
2006 HERRING VAMIA AVE.
TOWSON, MD. 21204
TELEPHONE: (301) 296-3333



89-174

PLAN and PLAT TO ACCOMPANY
ZONING PETITIONS

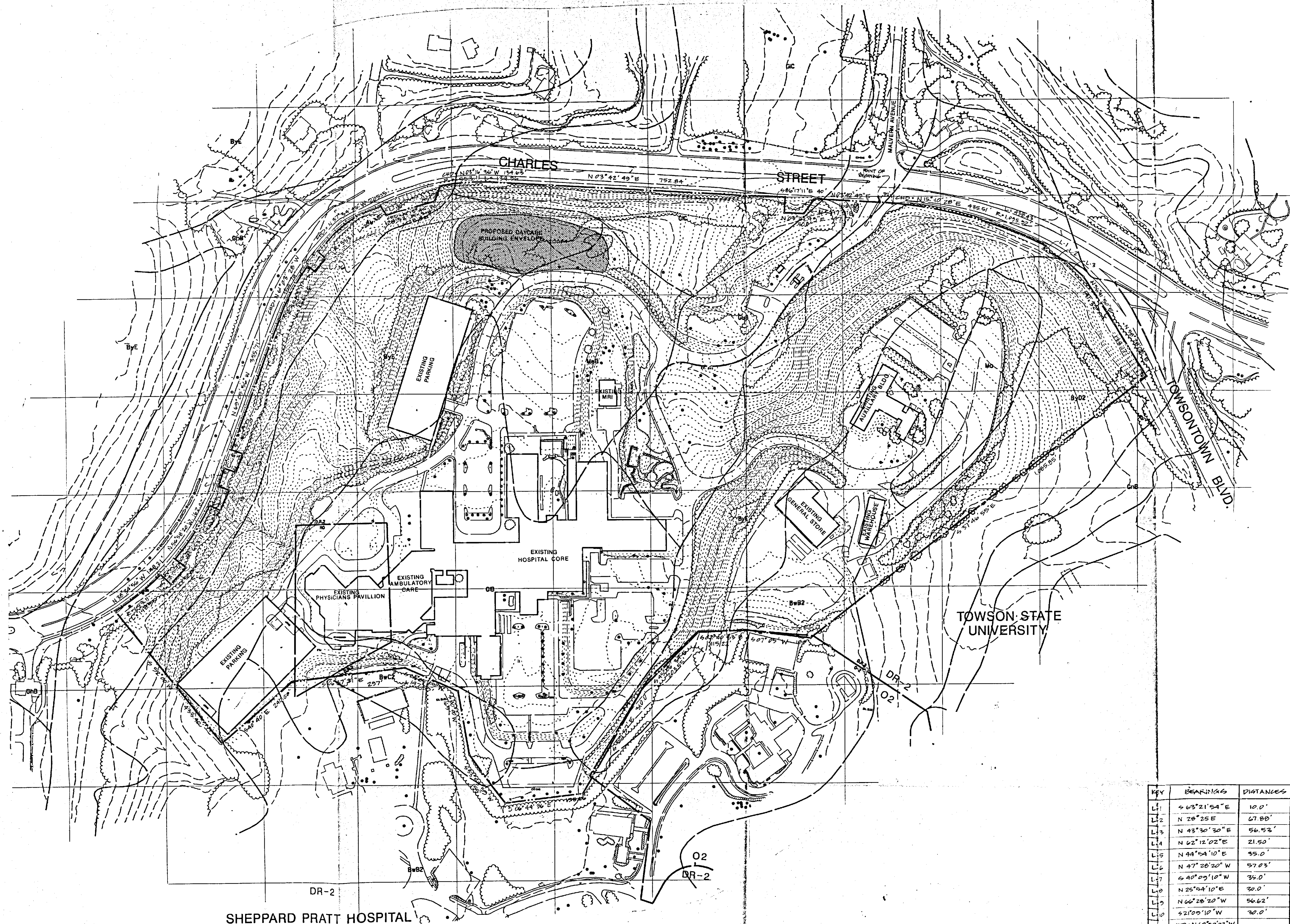


John P. Walker

SCALE:
1" = 100'
JOB ORDER NO.
85013 Z
ISSUE DATE
9.26.88

DATE	REVISIONS

LEV	BEARINGS	DISTANCES
L-1	S 68°21'54"E	10.0'
L-2	N 20°25'E	67.80'
L-3	N 43°30'30"E	56.53'
L-4	N 62°12'02"E	21.50'
L-5	N 44°54'10"E	35.0'
L-6	N 47°20'20"W	57.03'
L-7	S 40°09'10"W	35.0'
L-8	N 25°54'10"E	30.0'
L-9	N 66°28'20"W	56.62'
L-10	S 21°09'10"W	30.0'
C-1	CHD = N 60°50'23"W R = 653.11' L = 2.87'	2.85'
L-11	N 69°09'56"W	47.35'
L-12	N 20°54'04"E	30.0'
L-13	N 69°05'06"W	50.0'
L-14	S 20°54'04"W	30.0'
L-15	N 36°59'E	25'
L-16	N 50°38'30"W	43.77'
L-17	S 41°44'W	25'
L-18	N 63°36'36"E	35'
L-19	N 25°03'00"W	41.42'



- General Notes**
- All on-site roads and drives are private. Widths are as shown. All are surfaced with appropriate materials to accommodate traffic and drainage.
 - The proposed child care center building will be approximately 7,500 square feet and will not exceed one story.
 - Offstreet Parking:**

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group child care center

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 - NO. OF CHILDREN:** 10-123
 - HOURS OF OPERATION:** TO COINCIDE WITH HOURS OF HOSPITAL OPERATIONS

PETITIONER'S EXHIBIT 1

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DAFT-McCUNE-WALKER, INC.

DAFT-McCUNE-WALKER INC.
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PLAN and PLAT TO ACCOMPANY ZONING PETITIONS

SCALE:
1" = 100'

JOB ORDER NO.
85013 Z

ISSUE DATE
9-26-88

DATE	REVISIONS
10/21/88	PER COMMENTS TO COMMENTS
11/2/88	NOTES # 2, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

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SHEPPARD PRATT HOSPITAL